

**ORDER OF THE STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION
ADOPTING AND AMENDING RULES**

- 1 The state of Wisconsin department of agriculture, trade and consumer protection adopts
2 the following order to amend chapter ATCP 127(note) and s. ATCP 127.01(15); and to
3 create subchapter V of chapter ATCP 127; relating to telephone solicitations and a no-
4 call list.

**Analysis Prepared by the Department of
Agriculture, Trade and Consumer Protection**

Statutory authority: ss. 100.20(2) and 100.52
Statutes interpreted: ss. 100.20 and 100.52

Background

The Wisconsin department of agriculture, trade and consumer protection (DATCP) regulates unfair and deceptive business practices under s. 100.20, Stats. DATCP has adopted rules, under ch. ATCP 127, Wis. Adm. Code, to protect consumers against unfair telemarketing practices. The Legislature has also directed DATCP, under s. 100.52, Stats., to create a “no-call” list of consumers who do not wish to receive telemarketing calls.

Under s. 100.52, Stats., consumers may contact DATCP to sign up for the “no call” list. Telemarketers may not call consumers whose telephone numbers appear on the list. Telemarketers must register with DATCP and pay fees to finance the list compilation and distribution. On a regular periodic basis, DATCP must update the list and distribute it to registered telemarketers. DATCP must adopt rules to implement this program.

This rule creates a telemarketing “no-call” program, as directed by the Legislature. DATCP is adding this rule to DATCP’s current telemarketing rules under ch. ATCP 127, Wis. Adm. Code.

“Telephone Solicitations” Covered

This rule regulates “telephone solicitations” to persons located in this state, regardless of where the calls originate. A “telephone solicitation” means an unsolicited telephone call

for the purpose of encouraging the call recipient to buy property, goods or services, or that is part of a plan or scheme to encourage the call recipient to buy property, goods or services. “Telephone solicitation” does not include any of the following:

- A telephone call encouraging the call recipient to buy property, goods or services from a “nonprofit organization” unless sale proceeds are subject to Wisconsin sales tax or federal income tax.
- A telephone call made by an individual acting on his or her own behalf, and not as an employee or agent for any other person. This exemption does *not* apply to a caller who does any of the following:
 - Sells or promotes the sale of property, goods or services for others.
 - Sells or promotes the sale of goods that the caller buys from another person who controls or limits the caller’s sales methods.
- A telephone call made in response to the call recipient’s request for that call.
- A telephone call made to a current client. A current client is a person who has a current agreement to receive, from the caller or the person on whose behalf the call is made, property, goods or services of the type promoted by the telephone call.
- A telephone call made to a number listed in the current local business telephone directory.
- One telephone call to determine whether a former client mistakenly allowed a contractual relationship to lapse.
- A telephone call made to determine a former client’s level of satisfaction, unless the call is part of a plan or scheme to encourage the former client to purchase more property, goods or services.
- A telephone call, made to a party to an existing contract, that is necessary to complete the contract.

Telemarketers Must Register

This rule requires telemarketers to register annually with DATCP. A registration expires on November 30 of each year. Under this rule:

- A firm must register annually with DATCP if the firm employs or contracts with individuals to make telephone solicitations to residential customers. A firm that sells property, goods or services may register on behalf of another firm that hires individual telemarketers to promote sales by the registrant.

For example, an insurance company may register on behalf of a local insurance agency whose employees telemarket that company's insurance. But that registration does not cover the local agency's employees when they telemarket another company's insurance.

- No individual may make a telephone solicitation to a residential telephone customer unless the telephone solicitation is covered by a registration under this rule.

Telemarketer Registration Form

To register with DATCP, a firm must complete an annual registration form and pay annual fees. The registration form must include all the following:

- The registrant's correct legal name, and all trade names under which the registrant does business.
- The registrant's principal business address and telephone number. The business address shall include street address, zip code, state or province, and nation.
- The registrant's federal tax identification (FEIN) number.
- The name and address of the registrant's registered agent in this state, if any.
- The name and address of a person who will accept service of process on behalf of the registrant, if other than a registered agent in this state.
- The name, address and telephone number of a person who may respond, on behalf of the registrant, to DATCP notices and inquiries.
- The number of telephone lines that will be used to make telephone solicitations under the registration. The registrant must provide the telephone numbers associated with each of these lines.
- The number of individuals who will make telephone solicitations under the registration. The registrant must provide the names of the individuals if DATCP requests those names.
- A statement indicating the form in which the registrant wishes to receive "no-call" lists. A registrant may receive "no-call" lists in one or more of the following forms:
 - By e-mail transmission to an e-mail address provided by the registrant.
 - As a compact disc, mailed to an address provided by the registrant.
 - In hard-copy printed form, mailed to an address provided by the registrant.

Telemarketer Registration Fees

A firm registering with DATCP must pay the following annual fees, or an annual fee of \$20,000, whichever is less:

- A basic annual registration fee of \$700 for the first year of registration, and \$500 for each year thereafter.
- A supplementary annual fee of \$75 for each telephone line used to make telephone solicitations under the registration. This fee does not apply if fewer than 4 telephone lines will be used.
- A supplementary annual fee of \$25 for each e-mail address to which the registrant would like DATCP to send the “no-call” list. This fee does not apply if the registrant asks DATCP to send the “no-call” list to just one e-mail address.
- A supplementary annual fee of \$25 for each address to which the registrant would like DATCP to send the “no-call” list in compact disc form.
- A supplementary annual fee of \$1,000 for each address to which the registrant would like DATCP to send the “no-call” list in hard-copy print form.

A registrant must pay fees in quarterly installments. DATCP may reduce or waive one or more quarterly installments if DATCP projects that the balance in its fee revenue appropriation at DATCP’s next fiscal-year-end (June 30) will exceed DATCP’s total projected expenditures for the “no call” program in that fiscal year by more than 15%.

Updating Registration Information

This rule requires registrants to notify DATCP of material changes in registration information that occur during the registration year, and pay any additional fees owed for the registration year as a result of the change.

The “No-Call” List

DATCP must compile a “no-call” list containing the telephone numbers and ZIP codes of residential telephone customers who sign up for the list. No person may make a telephone solicitation, either directly or through an employee or agent, to a residential customer whose telephone number appears on the current no-call list.

A residential telephone customer may contact DATCP by phone, or at DATCP’s website, to sign up for the “no-call” list. A customer’s caregiver may sign up on behalf of the customer. The customer or caregiver shall give DATCP all the following information:

- The customer's telephone number including area code.
- The customer's ZIP code.
- The customer's name and address, if requested by DATCP. *DATCP will not include this information on the "no-call" list, but may request it for verification purposes.*
- The caregiver's name and address, if a caregiver contacts DATCP on behalf of the customer. *DATCP will not include this information on the "no-call" list, but requires it for verification purposes.*

Distributing the List

DATCP must distribute the "no-call" list to each firm that is currently registered with DATCP. DATCP must distribute the list in the manner specified by the registrant (assuming that the registrant pays the required fees for that method of delivery). A "no-call" list takes effect on a date specified by DATCP, not sooner than 10 business days after DATCP distributes the list.

Updating the List

DATCP must compile and distribute an updated "no-call" list every 3 months. DATCP must distribute updated lists in the same manner as the initial list. DATCP must delete a residential telephone customer from the "no-call" list 2 years after that customer last signed up for inclusion on the list. A customer may renew a sign-up at any time.

No Unauthorized Release

A registrant may not redistribute any part of a "no-call" list to any other person, except that the registrant may redistribute the list to a person covered by the registration. DATCP may not release a "no-call" list, or any information used to compile the list, except that:

- DATCP may release a "no-call" list to firms currently registered with DATCP.
- DATCP may release a "no-call" list as necessary to enforce this rule, or to comply with a subpoena or judicial process, subject to such protective orders as may be necessary to ensure the confidentiality of the list.
- DATCP may release the "no-call" list to the federal trade commission or other federal agency maintaining a national "no-call" list.

Telephone solicitation practices

Telemarketers must comply with current DATCP telemarketing rules under ch. ATCP 127, Wis. Adm. Code. In addition, this rule prohibits telemarketers from doing any of the following:

- Making telephone solicitations to a residential telephone customer, unless the telemarketer is registered with DATCP or covered by a current registration.
- Making a telephone solicitation to a residential telephone customer whose telephone number appears on the current “no call” list.
- Using an electronically prerecorded message in a telephone solicitation to a residential or nonresidential telephone customer without the prior consent of that telephone customer.
- Failing to disclose, at the request of a residential telephone customer receiving a telephone solicitation, the telemarketer’s Wisconsin registration number.
- Making a telephone solicitation to a nonresidential telephone customer (business) if that business has notified the telemarketer by mail that the business does not wish to receive telephone solicitations. A telemarketer must provide a business with the telemarketer’s mailing address within 10 days after the business requests it.
- Requiring, instructing or authorizing an employee or agent to make a telephone solicitation in violation of this rule, or knowingly facilitating a violation of this rule.
- Using caller-ID blocking when making a telephone solicitation.

Telemarketer Records

Under current DATCP telemarketing rules, telemarketers must keep certain records for at least 2 years and must make those records available to DATCP upon request. Among other things, a telemarketer must keep records related to individuals who make telephone solicitations as employees or agents of the telemarketer, including names, addresses, telephone numbers, job titles, and fictitious names if any (no 2 individuals may use the same fictitious name). This rule requires telemarketers to comply with current record keeping requirements.

1 **SECTION 1.** Chapter ATCP 127 (note) is amended to read:

2 **NOTE:** This chapter is adopted under authority of s. 100.20(2), Stats., and is
3 administered by the Wisconsin department of agriculture, trade and
4 consumer protection. Violations of this chapter may be prosecuted under
5 s. 100.20(6) and s. 100.26(3) and (6), Stats. A person who suffers a

monetary loss because of a violation of this chapter may sue the violator directly under s. 100.20(5), Stats., and may recover twice the amount of the loss, together with costs and reasonable attorneys' fees. Subchapter V is also adopted under authority of s. 100.52, Stats. A telephone solicitation to a residential telephone customer included on the "no-call" list under subch. V does not, by itself, result in a monetary loss for which the customer may seek recovery under s. 100.20(5), Stats., unless the residential telephone customer sustains an actual monetary loss as a result of another violation of this chapter.

SECTION 2. Section ATPC 127.01(15) is amended to read:

ATPC 127.01(15) "Person" means an individual, corporation, partnership, cooperative association, limited liability company, trust, or other organization or legal entity.

SECTION 3. Subchapter V of chapter ATPC 127 is created to read:

SUBCHAPTER V

TELEPHONE SOLICITATIONS; NO-CALL LIST

ATPC 127.80 Definitions. In this subchapter:

(1) "Basic local exchange service" has the meaning given in s. 196.01(1g), Stats.

(2) "Client" means a person who has a current agreement to receive, from the telephone caller or the person on whose behalf the call is made, property, goods or services of the type promoted by the telephone call.

NOTE: For example, if a local telephone service provider encourages a current customer to purchase other local telephone services, the customer is a current "client" under this definition. But a local telephone service customer is not a current "client" when the local telephone service provider encourages that customer to purchase *long distance* telephone services.

(3) "Nonresidential telephone customer" means a person, other than a residential customer, who receives telecommunications service from a telecommunications utility.

1 (4) “No-call list” means a list compiled and distributed according to s. ATCP
2 127.82.

3 (5) “Residential telephone customer” means an individual in this state who
4 receives basic local exchange service from a telecommunications utility.

5 (6) “Telephone call” means a voice communication over any part of the
6 electromagnetic spectrum to customer premises equipment.

7 **NOTE:** If a telecommunications provider initiates a voice communication with a
8 customer during a telephone conversation between the customer and a
9 third party, the telecommunications provider has initiated a “telephone
10 call” as that term is used in this subchapter.

11
12 (7) “Telephone line” means a circuit or channel, including a voice grade
13 equivalent channel, that is derived from a line, cable or digital facility, and that may be
14 used to make a telephone call.

15 (8) “Telecommunications service” has the meaning given in s. 196.01(9m), Stats.

16 (9) “Telecommunications utility” has the meaning given in s. 196.01(10), Stats.,
17 and includes an “alternative telecommunication utility” as defined in s. 196.01(1d), Stats.

18 (10) “Telephone solicitation” means an unsolicited telephone call for the purpose
19 of encouraging the call recipient to buy property, goods or services, or that is part of a
20 plan or scheme to encourage the call recipient to buy property, goods or services.

21 “Telephone solicitation” does not include any of the following:

22 (a) A telephone call encouraging the call recipient to buy property, goods or
23 services from a nonprofit organization if all the following apply:

24 1. The nonprofit organization complies with subch. III of ch. 440, Stats., if
25 applicable.

1 2. Sale proceeds, if any, are exempt from Wisconsin sales tax and federal income
2 tax.

3 **NOTE:** The definition of “telephone solicitation” applies to phone calls
4 promoting *sales*, not charity donations. But it may cover charity
5 solicitations that are really part of a plan or scheme to *sell* property, goods
6 or services. Subchapter III of ch. 440, Stats., regulates charitable
7 solicitations.

8
9 Telephone calls promoting sales by nonprofit organizations are exempt *if*
10 the sale proceeds are exempt from Wisconsin sales tax and federal income
11 tax. Section 77.54(7m), Stats., defines the scope of the Wisconsin sales
12 tax exemption for sales by nonprofit organizations. Federal income tax
13 laws require an otherwise exempt nonprofit organization to pay income
14 tax on “unrelated business taxable income” as defined in 26 CFR
15 1.512(a)-1.

16
17 (b) A telephone call made by an individual acting on his or her own behalf, and
18 not as an employee or agent for any other person. This exemption does not apply to a
19 caller who does any of the following:

20 1. Sells or promotes the sale of property, goods or services for another person.

21 **NOTE:** For example, self-employed insurance agents are not exempt from this
22 subchapter when they or their employees make telephone calls to promote
23 the sale of insurance policies offered by insurance companies. But an
24 insurance company may register under s. ATCP 127.81(1)(b) on behalf of
25 self-employed insurance agents and their employees who telemarket the
26 company’s insurance.

27
28 2. Sells or promotes the sale of goods that the caller buys from another person
29 who controls or limits the caller’s sales methods.

30 (c) A telephone call made in response to the call recipient’s affirmative request
31 for that call.

32 **NOTE:** A failure to respond to a negative option (“we will call unless you say
33 no”) is not an “affirmative request” under par. (c).

34
35 (d) A telephone call made to a current client.

1 **NOTE:** See definition of “client” under sub. (2).

2

3 (e) A telephone call made to a number listed in the current local business

4 telephone directory.

5 (f) One telephone call to determine whether a former client mistakenly allowed a

6 contractual relationship to lapse.

7 (g) A telephone call made to determine a former client’s level of satisfaction,

8 unless the call is part of a plan or scheme to encourage the former client to purchase

9 property, goods or services.

10 (i) A telephone call, made to a party to an existing contract, that is necessary to

11 complete that contract.

12 **ATCP 127.81 Telephone solicitors; registration. (1) REGISTRATION**

13 REQUIRED. (a) No person may employ or contract with any individual to make telephone

14 solicitations to residential telephone customers unless one of the following applies:

15 1. That person is currently registered with the department under this section.

16 This registration covers telephone solicitations made by individuals acting as employees

17 or agents of the registrant.

18 2. The telephone solicitations are covered by a registration under par. (b).

19 (b) A person who sells property, goods or services may register under this section

20 on behalf of a person who employs or contracts with individuals to make telephone

21 solicitations promoting the purchase of property, goods or services from the registrant.

22 This registration covers telephone solicitations that those individuals make for that

23 purpose. It does not cover telephone solicitations promoting the purchase of property,

24 goods or services from persons other than the registrant.

1 **NOTE:** For example, an insurance company may register under par. (b) on behalf
2 of a self-employed insurance agent whose employees telemarket that
3 company's insurance. But that registration does not cover the agent's
4 employees when they telemarket another company's insurance.

5
6 (c) No individual may make a telephone solicitation to a residential telephone
7 customer unless the telephone solicitation is covered by a registration under this section.

8 **(2) ANNUAL REGISTRATION.** To register under this section, a person shall
9 complete an annual registration form provided by the department. The registrant shall
10 file, with the registration form, all quarterly fee installments required under sub. (3m).

11 The registration form shall include all the following:

12 (a) The registrant's correct legal name, and all trade names under which the
13 registrant does business.

14 (b) The registrant's principal business address and telephone number. The
15 business address shall include street address, zip code, state or province, and nation.

16 (c) The registrant's federal tax identification (FEIN) number.

17 (d) The name and address of the registrant's registered agent in this state, if any.

18 (e) The name and address of a person who will accept service of process on
19 behalf of the registrant, if other than a registered agent under par. (d).

20 (f) The name, address and telephone number of a person who may respond, on
21 behalf of the registrant, to department notices and inquiries.

22 (g) The number of telephone lines that will be used to make telephone
23 solicitations under the registration.

24 (h) The telephone number assigned to each telephone line counted under par. (g).

25 (i) The number of individuals who will make telephone solicitations under the
26 registration. The registrant shall provide the names of the individuals if the department

1 requests those names. A person who registers under sub. (1)(b) on behalf of another
2 person shall identify that other person.

3 (j) A statement indicating the form in which the registrant wishes to receive no-
4 call lists. A registrant may receive no-call lists in one or more of the following forms:

5 1. By e-mail transmission to one or more e-mail addresses provided by the
6 registrant. Each e-mail address shall be that of the registrant, or a person covered by the
7 registration.

8 2. As a compact disc, mailed to one or more addresses provided by the registrant.
9 Each address shall be that of the registrant, or a person covered by the registration. The
10 registrant shall specify the number of compact discs to be included in each mailing.

11 3. In hard-copy printed form, mailed to one or more addresses provided by the
12 registrant. Each address shall be that of the registrant, or a person covered by the
13 registration. The registrant shall specify the number of hard-copy lists to be included in
14 each mailing.

15 **(3) FEES.** A person registering under sub. (2) shall pay the following annual
16 fees, or an annual fee of \$20,000, whichever is less:

17 (a) A basic annual registration fee of \$700 for the first year of registration, and
18 \$500 for each subsequent year.

19 (b) A supplementary annual fee of \$75 for each telephone line identified under
20 sub. (2)(g). This fee does not apply if the registrant identifies fewer than 4 telephone
21 lines under sub. (2)(g).

1 (c) A supplementary annual fee of \$25 for each e-mail address identified under
2 sub. (2)(j)1. This fee does not apply if the registrant identifies only one e-mail address
3 under sub. (2)(j)1.

4 (d) A supplementary annual fee of \$25 for each address identified under sub.
5 (2)(j)2. If the registrant asks the department to send more than one annual set of compact
6 discs to any address, the registrant shall pay an additional fee of \$25 for each additional
7 set of discs sent to that address.

8 (e) A supplementary annual fee of \$1,000 for each address identified under sub.
9 (2)(j)3. If the registrant asks the department to send more than one annual set of hard-
10 copy lists to any address, the registrant shall pay an additional fee of \$1,000 for each
11 additional set of hard-copy lists sent to that address.

12 **NOTE:** An “annual set” under pars. (d) and (e) consists of the 4 quarterly list
13 updates under s. 127.82(5).
14

15 **(3m) QUARTERLY INSTALLMENTS.** A registrant shall pay the annual fees under
16 sub. (3) in quarterly installments, as follows:

17 (a) The first quarterly installment is due by the first day of the registration year,
18 or on the date of initial registration, whichever is later.

19 (b) The second quarterly installment is due on March 1 of the registration year, or
20 on the date of initial registration, whichever is later.

21 (c) The third quarterly installment is due on June 1 of the registration year, or on
22 the date of initial registration, whichever is later.

23 (d) The fourth quarterly installment is due on September 1 of the registration
24 year, or on the date of initial registration, whichever is later.

1 (4) REGISTRATION EXPIRES. A registration under this section expires on
2 November 30 of each year.

3 (5) REDUCTION OR WAIVER OF QUARTERLY INSTALLMENTS. The department may
4 reduce or waive one or more quarterly installments under sub. (3m) if the department's
5 projected fiscal-year-end cash balance in the appropriation under s. 20.115(8)(jm), Stats.,
6 exceeds the department's projected fiscal year expenditures from that appropriation
7 during that fiscal year by at least 15%. A reduction or waiver, if any, shall apply to all
8 registrants. A reduction, if any, shall be a uniform percentage reduction in the quarterly
9 installment that a registrant would otherwise pay. A reduction or waiver of a quarterly
10 installment reduces, by the amount of that reduction or waiver, the annual fee required
11 under sub. (3).

12 (6) UPDATED INFORMATION. A registrant shall do all the following whenever
13 there is a material change in the information provided under sub. (2) during a registration
14 year:

15 (a) Notify the department of the change.

16 (b) Pay any additional fees owed for that registration year as a result of the
17 change.

18 **ATCP 127.82 No-call list.** (1) COMPILING THE LIST. The department shall
19 compile a no-call list containing the telephone numbers and ZIP codes of residential
20 telephone customers who indicate, according to sub. (3), that they do not wish to receive
21 telephone solicitations.

22 (2) SOLICITATIONS PROHIBITED. No person may make a telephone solicitation,
23 either directly or through an employee or agent, to a residential telephone customer

1 whose telephone number appears on the current no-call list. A telephone solicitation
2 made in violation of this subsection does not, by itself, result in a monetary loss for which
3 a residential telephone customer may seek recovery under s. 100.20(5), Stats., unless that
4 customer sustains an actual monetary loss as a result of another violation of this chapter.

5 (3) INDIVIDUALS INCLUDED ON THE LIST. (a) A residential telephone customer or
6 the customer's caregiver may contact the department to have the customer included on
7 the no-call list. The residential telephone customer or caregiver shall give the department
8 all the following information:

- 9 1. The customer's telephone number including area code.
- 10 2. The customer's postal ZIP code.
- 11 3. The customer's name and address, if requested by the department. The
12 department may not include the customer's name or address on the no-call list.
- 13 4. The caregiver's name and address, if a caregiver contacts the department on
14 behalf of the customer. The department may not include the caregiver's name or address
15 on the no-call list.

16 **NOTE:** The department will publish a telephone number and website address that
17 residential telephone customers may contact to sign up for the no-call list.
18 The no-call list will include only the customer's telephone number and
19 ZIP code.
20

21 (b) No person, other than a residential telephone customer or the customer's
22 caregiver, may ask the department to include the customer on the no-call list.

23 (4) DISTRIBUTING THE LIST. The department shall distribute the no-call list to
24 each person who is currently registered with the department under s. ATP 127.81. The
25 department shall distribute the no-call list to the addresses, and in the manner, specified
26 by the registrant under s. ATP 127.81(2)(j). A no-call list takes effect on the date

1 specified by the department. The effective date shall be not sooner than 10 business days
2 after the department distributes the list.

3 (5) UPDATING THE LIST. The department shall compile and distribute an updated
4 no-call list every 3 months. The department shall distribute each updated list in the
5 manner provided under sub. (4). An updated list takes effect on the date specified by the
6 department. The effective date shall be not sooner than 10 business days after the
7 department distributes the list.

8 (6) LIST DELETIONS AND RENEWALS. The department shall delete a residential
9 telephone customer from the no-call list 2 years after that customer last applied for
10 listing. The customer or the customer's caregiver may renew the customer's listing at
11 any time, in the manner provided for an original listing under sub. (3).

12 (7) NO RE-DISTRIBUTION BY LIST RECIPIENTS. A person who receives a no-call list
13 may not distribute any part of that list to another person, except that a current registrant
14 under s. ATPC 127.81 may redistribute the list to persons covered by that registration.

15 (8) LIST NOT OPEN TO PUBLIC INSPECTION. (a) The department may not release a
16 no-call list, or any information collected under sub. (3), except that:

17 1. The department may release a no-call list to a person currently registered under
18 s. 127.81, or to persons covered by that registration, as provided in this section.

19 2. The department may release a no-call list as necessary to enforce this
20 subchapter, or to comply with a subpoena or judicial process, subject to any protective
21 orders that may be necessary to ensure the confidentiality of the list.

22 3. The department may release a no-call list to the federal trade commission or
23 other federal agency maintaining a national no-call list.

1 **NOTE:** See s. 100.52(2)(c), Stats.

2 **127.83 Telephone solicitation practices. (1)** Persons making telephone

3 solicitations shall comply with applicable requirements in subchapter II.

4 **(2)** No person may do any of the following:

5 (a) Make a telephone solicitation in violation of s. ATCP 127.81 or 127.82.

6 (b) Use an electronically prerecorded message in a telephone call for the purpose
7 of encouraging a residential or nonresidential telephone customer to purchase property,
8 goods or services, without the prior consent of that telephone customer. This paragraph
9 does not apply if the person meets the provisions of ss. ATCP 127.80(10)(a) or (b).

10 (c) Make a telephone solicitation to a nonresidential telephone customer if the
11 nonresidential telephone customer has notified the person by mail that the nonresidential
12 telephone customer does not wish to receive telephone solicitations.

13 (d) Require, instruct or authorize any person to violate this subchapter, or
14 knowingly facilitate any person's violation of this subchapter.

15 (e) Use caller-ID blocking when making a telephone solicitation.

16 (f) Falsify any information required under this subchapter.

17 **(3)** A person making a telephone solicitation to a residential telephone customer
18 shall give the call recipient, at the call recipient's request, the number of the registration
19 under s. ATCP 127.81 that covers the telephone solicitation.

20 **(4)** A person making a telephone solicitation to a nonresidential telephone
21 customer shall give the call recipient, at the call recipient's request, a mailing address to
22 which the nonresidential telephone customer may mail a notice under sub. (2)(c). The
23 person shall provide the mailing address within 10 days after the call recipient requests it.

1 **127.84 Record keeping.** Persons who employ or contract individuals to make
2 telephone solicitations shall comply with record keeping and record production
3 requirements applicable to sellers under s. ATCP 127.18.

4 **EFFECTIVE DATE.** This rule shall take effect on the first day of the month
5 following publication in the Wisconsin administrative register, as provided in s.
6 227.22(2)(intro.), Stats.

7

Dated this _____ day of _____, _____.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By _____
James E. Harsdorf, Secretary